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Parliamentarians for ET at UN Decol

Parliamentarians for East Timor

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Brief submitted to the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Presented by Ingela Martensson, MP, Parliament of Sweden

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Chairperson and Honourable Members,

Thank-you for giving Parliamentarians for East Timor the opportunity to express its concern with the ongoing illegal occupation of East Timor. My name is Ingela Martensson, and I am a Member of the Swedish Parliament. It is an honour to be able to address the Special Committee on Decolonization, which has taken upon itself the noble task of eradicating colonialism by the end of this decade.

Parliamentarians for East Timor is an international organisation comprised of more than 250 Members of Parliament from over 20 countries. I am glad to be here today on behalf of this organisation.

Visit by the Swedish Parliamentary Delegation to East Timor, September 4-17, 1993

Since the last meeting of the Special Committee, I have had the privilege, along with two other Swedish MPs, to visit East Timor. This visit was the first visit by parliamentarians since the Santa Cruz Massacre, when Indonesian government troops opened fire against a peaceful demonstration and approximately 275 East Timorese were killed. Based on my first-hand experience from visiting East Timor, I wish to draw your attention to the following concerns of both myself and Parliamentarians for East Timor.

Ratify and Respect the United Nations' Human Rights Convention!

It should be noted that there was no criticism by the Indonesian government of our visit while we were in the country; however, the Foreign Office's political supervisor was very irritated. His irritation was not only about our visit, but in general he felt we were putting our noses into Indonesia's internal affairs, i.e. human rights. His objections were not about specific details but that we in general behaved as inspectors and that our visit appeared official. We assured that we were visiting as observers and individual members of the Swedish parliament, and we were not officially sent by the Swedish government or parliament. The Indonesian government does agree that the respect of human rights is a universal matter, but in practice they do not accept international criticism about violations of human rights. Therefore, it is not surprising that Indonesia still refuses to approve and ratify the Convention relating to human rights. That is why it is necessary to increase observation and criticism of the Indonesian regime.

The Oppression Apparatus

There are approximately 10,000 Indonesian soldiers in East Timor. Vice Military Commandant Brigade General Sulatin explained that there are at present ten battalions, whereof nine are so-called territory battalions and one is an attack battalion. This information is extraordinary, considering that earlier last summer, Military Commandant General Syafei told United Nations observer Amos Wako that there were eight battalions compared with 12 in 1991, and of these six were fighting battalions, and that these fighting battalions would be replaced by territorial troops. He assumed that by September 1993 the total number of battalions would be reduced to six, all territorial battalions. Therefore, there is reason to question the validity of the Indonesian military information. Other sources say that there are 14 battalions and that the number of soldiers is as high as 14,000 to 15,000. The Vice Military Commandant claimed that the troops mainly occupied themselves with the building of roads, villages and houses for the population. The aim of this was to move the Timorese to the agricultural areas.

It was officially confirmed that there is no external military threat, and no great threat within the country. Therefore, I asked for an explanation for the vast military presence in East Timor, which is further

strengthened by a police force of nearly 3,000. The police force works in close co-operation with the military forces. My suggestion that it would be more economical and rational to allow professional civilians to build roads and housing was, of course, difficult for them to answer. And the answers were complicated and constructed, and even less convincing when one considers the fact that the soldiers salaries are twice as high as other professional labourers. The true explanation is that military and police forces are all a part of the enormous oppression apparatus against the country's Timorese inhabitants. The new roads have fulfilled an important military function in the fight against the guerrillas. The military forces have, they say themselves, built approximately 5,000 houses. Some 40 new villages have been established in various parts of the country. On the first day of our visit to East Timor, we visited one of these villages, a little more than one hour from Dili by car. It reminded me of the so-called strategic villages that I have seen in Iraq. There is no doubt that the majority or maybe all of the inhabitants would like to return to their own villages.

During the first period after the Indonesian invasion, many of the inhabitants were killed, and an estimated 80% were forced to leave their villages. The population were grouped together in so called strategic villages. The aim of this was to separate the people from the guerrilla.

It is estimated that more than 250,000 East Timorese have died since Indonesia invaded in 1975.

Torture

The head of the Catholic Church in Dili is Bishop Belo where he has been the Bishop for the last ten years. He told us that the harsh treatment of those who do not recognise Indonesia's authority over East Timor has intensified. He also told us that he has received letters and information from prisoners and ex-prisoners about different kinds of torture.

Indonesian Troops Out of East Timor

Bishop Belo stated that the situation with regards to human rights has simply not changed. He said that a total withdrawal of the Indonesian troops is absolutely necessary.

The Bishop feels that the meetings with the United Nations Secretary General Boutros Boutros-Ghali are important, but the East Timorese own views will be forced into the background if they are not present at the Talks between the Foreign Ministers of Indonesia and Portugal.

Bishop Belo had suggestions about East Timorese persons who could take part in the negotiations. He was also willing to participate himself if the church agreed. Bishop Belo feels that it is imperative that a solution is reached that secures East Timor's independence and that a referendum is held regarding the future of the country.

Imprisonment of Xanana Gusmao

Xanana Gusmao is a symbol for East Timorese resistance. He rejects Indonesia's claim that they have integrated East Timor into Indonesia. He denies that he has been or is an Indonesian citizen. Gusmao is now serving a 20-year prison sentence. Along with my colleague, I applied for permission to visit with Gusmao. Unfortunately, it was not possible. We also had a conversation with two judges at the court in Dili where Gusmao was tried. After interviews with these judges and other authorities, and after studying certain written documents, our conclusions were as follows:

The verdict seems to have been preceded by conclusions and judgments which have been made by other authorities in Jakarta and Dili. The method of trial used was not in accordance with the rights of the accused, and did not comply with the international standards for a just and correct trial. Neither did the trial comply with the Indonesian laws for criminal trials. The violations against Gusmao started immediately after the arrest. No lawyer was present during the police and military interrogation. The claims from the Indonesian authorities that Gusmao did not wish for any lawyer to be present does not seem to be the expression of his free will. And these claims do not seem convincing when one considers the outcome of the case. A defence lawyer was later assigned to the case, but it is well known that he has close contacts with leading Indonesian military figures, and his actions did not seem to be in Gusmao's best interests. The two judges I talked to could not give me a clear answer on whether or not Gusmao had been given a lawyer of his own free choice.

The trial was public but international observers were not given the opportunity to look at any documents on the matter. I myself asked to be allowed to look at the courts files (unconfidential sections) but this was refused. This was explained by the fact that the entire file had been sent to President Suharto. There were no copies of the file left at the court.

The courts refusal to allow Gusmao to present his own defence is not only against Indonesian law but also in conflict with international standards and conventions. Many of the witnesses who appeared in the trial were themselves prisoners, either after their sentencing or prior to their own trials. There seems to be doubt about how voluntary the witnesses' accounts were. It was a large handicap for the witnesses, knowing that what they said at the trial might be used against them at their own trial later on. However, the fact that the so-called anti-subversive law was not used against Gusmao was positive. But on the other hand, strong objections could be made -- and were made -- against the implementation of Indonesian laws and trial procedures. This is not in compliance with international standards as Indonesia's authority over East Timor has not been internationally recognised by the United Nations.

Due to all of these faults, Parliamentarians for East Timor feel that the judgment against Gusmao cannot be accepted. He should therefore be set free immediately and guaranteed a sanctuary of his own free choice.

PET Meeting with UN Secretary General, Boutros Boutros-Ghali, February 3, 1994

Earlier this year I had the privilege to participate in a meeting of Parliamentarians for East Timor with His Excellency, Dr. Boutros Boutros-Ghali. At this time, I would like to reiterate some of the issues that PET raised that are applicable to the considerations of the Special Committee.

At a prior meeting with Sr Xavier Perez de Cuellar, on March 25, 1991, he confirmed that all the Resolutions of the Security Council and General Assembly which had been passed in the years following the Anschluss of 1975 remained in force, including Security Council Resolutions 384 of December 22, 1975, which called on the Government of Indonesia to withdraw its forces from East Timor without delay, and Security Council Resolution 389 of April 22, 1976, which urged member states to co-operate with the United Nations in facilitating the decolonization of the territory.

The Core Issue of Self-Determination

Since the breakdown of the arrangements for a visit to the territory by Portuguese Parliamentarians in November 1991, and the Santa Cruz massacre of November 12, 1991, there have been four meetings of the Foreign Ministers of Portugal and Indonesia under your auspices. No progress has been made in addressing the issues of principle dealt with in the Resolutions of the Security Council and the General Assembly.

The Indonesian Government has stuck to their position that the annexation of the territory was validated by the vote of the "Regional Popular Assembly" of May 31, 1976, and that the process complied with the requirements of General Assembly Resolution 1541 of 1960. They claim that the members of this Assembly were chosen on the principle of one man one vote in the capital, Dili, and elsewhere they were appointed "in accordance with the tradition and identity of the people of East Timor". There is no evidence that any elections were held even in Dili. According to many Timorese who were there at the time, all the 37 members of the "People's Assembly" were hand-picked by the occupying forces.

The conditions for a free and fair election in Dili did not exist since many of those who would have been eligible to vote had fled into the countryside, and the town was under military occupation.

Implementation of the Secretary-General's mandate under 37/30

PET notes with satisfaction that in January 1994, that the Secretary-General instructed a team of Secretariat officials led by Director of Political Affairs, Mr Francesc Vendrell to visit Lisbon, Jakarta, East Timor and Australia to work out an initiative that will pave the way towards solving the core issue of self-determination. We welcome the fact that in Lisbon, Jakarta, East Timor and Australia, the mission held meetings with East Timorese groups to hear their views. In particular, we were delighted to know that the mission held a private consultation with jailed East Timorese resistance leader, Xanana Gusmao, in Cipinang Prison, Jakarta. This mission signals for the first time a move by the UN to consult East Timorese opinion, as required by Resolution 37/30.

UN initiatives in East Timor

The East Timorese people have suffered from war and foreign occupation for nearly two decades. It is high time for the UN to take concrete initiatives to bring an end to their suffering in the short-term in a way that will lay the basis for resolving the core issue of self-determination. PET feels that the time has come for specific moves to pave the way for a formal act to assess the views of the people regarding their future; to this end, PET recommends the following:

1. The Secretary-General should formally propose, to all the parties concerned, the withdrawal of the Indonesian armed forces from the territory, and the holding of a referendum under strict international supervision, in accordance with the Resolutions of the General Assembly and the Security Council. He should also propose the establishment of a temporary administration in the territory, to ensure that the registration of electors is conducted properly and that freedom of expression and of assembly is observed during the period leading up to the referendum.

2. Pending moves to deal with the core issue of self-determination, it is proposed that the UN establish a permanent presence in East Timor under the direct supervision of the Secretary-General's office, for the following purposes:

(a) to oversee the demilitarisation of the territory and the removal of all heavy weapons and military equipment;

(b) to enable the UN specialised agencies to take care of the humanitarian needs of the people;

(c) to monitor the human rights situation in co-operation with the East Timorese church and independent Indonesian human rights NGOs such as the Legal Aid Foundation;

(d) to restore to the people of East Timor freedom of assembly, freedom of association and freedom of expression.

It is recognised that the Indonesian Government would not take to these ideas immediately, but over the 18 years since the invasion, the absence of any sign of determination to uphold the principles of the United Nations Charter and of the Declaration on the Granting of Independence to Colonial Countries and Peoples has been a serious hindrance to progress.

In summary,

It is recommended that the Special Committee in Conjunction with the UN Secretary General:

(i) Make it clear to the Indonesian authorities that their compliance with the terms of the 1994 Chairman's Consensus Statement of the UN Human Rights Commission represents an important confidence-building measure needed, as an expression of their goodwill and recognition of the wishes of the international community.

(ii) impress upon the Indonesian authorities the need to allow free and unfettered access to the territory for parliamentarians, for journalists as well as for human rights organisations, in particular Amnesty International and Asia Watch.

(iii) urge the Indonesian authorities to release unconditionally all East Timorese political prisoners, whether tried or not.

(iv) press for the annulment of the manifestly unfair trial of resistance leader, Xanana Gusmao, and to secure his release so that he can play his rightful part in consultations to reach a solution to the question of East Timor.

However, respect for human rights is not enough. The people must be allowed to choose their own future.

Mr. Chairman, East Timor is the largest territory left on the agenda of this committee. The only reason it is still there is the intransigence of the Indonesian dictatorship. Ultimately, the solution will come from the people of Indonesia, many of whom have no wish to cling to East Timor. If Indonesians were allowed a real democracy, with all people free to speak their minds, I expect that East Timor would soon be free.

Mr. Chairman, I ask that this committee also listen to the Timorese voices that are pleading for their rights. The Special Committee on Decolonization has an opportunity today to take a step towards freedom for another colonised territory. I hope that you will take that step and help end the suffering of the East Timorese people.

Thank you.